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Attorneys for Defendants
CLARE E. CONNORS
and AL CUMMINGS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALANOA NICKEL,

Plaintiff,

vs.

CLARE E. CONNORS, in her Official
Capacity as the Attorney General of the
State of Hawaii and AL CUMMINGS in
his Official Capacity as the State Sheriff
Division Administrator; and CITY AND
COUNTY OF HONOLULU,

Defendants.

Civil No. 20-00330 JMS-RT

STIPULATION AND ORDER

TRIAL: None.

STIPULATION AND ORDER

On July 27, 2020, Plaintiff Alanoa Nickel filed a complaint alleging that he is a resident of the State of Hawaii and wants to apply for a permit to acquire a firearm. He further alleges that he meets all of the eligibility requirements under Hawaii law except for the United States citizenship requirement in Hawaii Revised Statutes § 134-2(d). Nickel was born in American Samoa and is a U.S. national but not a U.S. citizen. The complaint points to this Court's ruling in *Fotoudis v. City & County of Honolulu*, 54 F. Supp. 3d 1136 (D. Haw. 2014), whereby § 134-2(d) was permanently enjoined as applied to permanent resident aliens, with the Court concluding:

Defendants and/or their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of this injunction, are enjoined from precluding lawful permanent resident aliens residing in the State of Hawaii from applying for a permit to acquire firearms as set forth in HRS § 134-2(d).

Id. at 1145.

The parties agree that the permanent injunction and ruling in *Fotoudis* should be extended so as to apply equally in this case.

Therefore, it is stipulated that HRS § 134-2(d)'s citizenship requirement be permanently enjoined as it applies to non-citizen United States nationals.

DATED: Honolulu, Hawai'i, August 10, 2020.

PAUL S. AOKI
Acting Corporation Counsel

By /s/ Robert M. Kohn
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NICOLETTE WINTER
Deputies Corporation Counsel

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CITY AND COUNTY OF HONOLULU

/s/ Alan Alexander Beck
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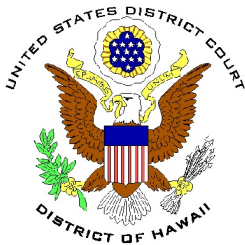
/s/ Kendall Moser

CARON M. INAGAKI, ESQ.
KENDALL MOSER, ESQ.
Deputy Attorneys General

Attorneys for CLARE E. CONNORS
and AL CUMMINGS

IT IS APPROVED AND SO ORDERED

DATED: Honolulu, Hawaii, August 10, 2020.



/s/ J. Michael Seabright

J. Michael Seabright
Chief United States District Judge

Nickel v. Connors, et al.; Civil No. 20-00330 JMS-RT; Stipulation and Order